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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/058,477 04/10/98 NEWMAN

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EXAMINER

PM82/0922

ROBERT J. HARTER
4233 CLIFFSIDE DR
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WALKER, Z

ART UNIT	PAPER NUMBER
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3672

DATE MAILED:

09/22/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/058,477

Applicant(s)
Newman

Examiner
Zakiya Walker

Group Art Unit
3672



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) 7-12 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, and 4-6 is/are rejected.

☒ Claim(s) 3 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a mobile repair unit for wells, classified in class 166, subclass 77.51.
 - II. Claims 7 and 8, drawn to method of distinguishing the raising and lowering of a tubing segment, classified in class 166, subclass 255.1.
 - III. Claim 9, drawn to method of determining a cross-load applied to a derrick, classified in class 166, subclass 250.01.
 - IV. Claim 10, drawn to method of determining if a tubing was stretched, classified in class 166, subclass 255.2.
 - V. Claims 11 and 12, drawn to method of identifying a transition time from installing steel rods to installing polymer rods, classified in class 166, subclass 250.01.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II/I, III/I, IV/I and V/I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus

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as claimed can clearly be used to practice a multitude of processes including but not limited to the processes in which the applicant displays in groups II, III, IV, and V.

3. Inventions II/III, II/IV, II/V, III/IV, III/V and IV/V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as methods useable together and further, the methods display different functions that can be performed by a common apparatus.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III, IV, or V, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I, III, IV, or V, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Groups I, II, IV, or V, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Groups I, II, III, or V, restriction for examination purposes as indicated is proper.

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8. Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Groups I, II, III, or IV, restriction for examination purposes as indicated is proper.

9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

10. During a telephone conversation with Robert J. Harter on 9/13/99 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

11. The disclosure is objected to because of the following informalities:

Page 6, lines 19 and 20 "segments 62" and "pipe 62" are used to describe the same element. Consistent terminology is required throughout the specification.

Appropriate correction is required.

12. The following changes were made by informal examiner's amendment:

Page 5, line 12 "Engine 32" has been changed to --Engine 26--.

Page 5, line 17 "tongs 52" has been changed to --tongs 66--.

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Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 4 recites "a third transducer," "a third signal," and "a third plurality of digital values" when the parent claim 1 claims a "first" transducer, signal, and values. The claim should depend from claim 2 or be rewritten to show a proper dependency from claim 1.

16. Claim 5 recites "a fourth signal" and "a fourth plurality of digital values" when the parent claim 1 claims a "first" signal and values. The claim should depend from another claim or be rewritten to show a proper dependency from claim 1.

17. Claim 6 recites "a fifth plurality of digital values" when the parent claim 1 claims a "first" plurality of digital values. The claim should depend from another claim or be rewritten to show a proper dependency from claim 1.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geppert in view of Shaginian et al.

Geppert discloses apparatus and method for aiding in the operation of cranes that includes a truck frame 14, an engine and transmissions (not shown), a hydraulic pump 440, a hoist 34, a block 40, first and second hydraulic cylinders 26, 32, first transducer 50, clock 84, memory 88, 90, and modem 104. The reference further discloses that the aid can be used with derricks, and the like (col. 1, lines 5-20). However, the reference does not provide for an air compressor, pneumatic slip, or hydraulic tongs as specifically called for in the claims.

Shaginian et al. teaches an apparatus for handling pipes that includes hydraulic tong 7 coupled to pump 138 and slips 50 coupled to drive means 52 for the purpose of holding pipe segments while the tong rotates the segments for connection to additional segments. It is well known to operate tongs and slips either hydraulically or pneumatically. If either one or both is to be operated pneumatically, an air compressor would be required as a drive means. If either one or both is to be operated hydraulically, a hydraulic pump is required as a drive means.

It would have been considered obvious to one having ordinary skill at the time the invention was made to have provided the apparatus of Geppert with tongs and slips coupled to a selected drive means in view of Shaginian et al. in order to perform standard operations with a

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derrick such as installing pipes in a well by gripping a pipe segment and applying torque to screw together an additional length of pipe.

20. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geppert in view of Shaginian et al. as applied to claim 1 above and further in view of Heffernan et al.

Geppert discloses apparatus and method as stated above.

Shaginian et al. teaches an apparatus for handling pipes as stated above.

Heffernan et al. teaches a tachometer 94 with a feedback signal to a control system 21 with memory for the purpose of controlling the velocity of a traveling block.

It would have been considered obvious to one having ordinary skill at the time the invention was made to have provided the apparatus of Geppert as modified by Shaginian et al. with a tachometer in view of Heffernan et al. in order to provide a signal to the memory.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geppert in view of Shaginian et al. as applied to claim 1 above and further in view of Selman (cited by applicant).

Geppert discloses apparatus and method as stated above.

Shaginian et al. teaches an apparatus for handling pipes as stated above.

Selman teaches a hydrogen sulfide gas detector 5 for the purpose of analyzing the gas found in mud produced at the surface of the earth.

It would have been considered obvious to one having ordinary skill at the time the invention was made to have provided the apparatus of Geppert as modified by Shaginian et al.

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with a gas detector in view of Heffernan et al. in order to provide a signal to the memory representative of gas concentration.

Allowable Subject Matter

22. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Castille et al. teaches pneumatic slips and methods of connecting pipe segments with tongs.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya Walker whose telephone number is (703) 305-0302. The examiner can normally be reached on Mon.-Fri. from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

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h.w.
ZW

September 20, 1999

William Neuder
William Neuder
Primary Examiner